

<b>CONTINUED PROSECUTION APPLICATION (CPA)</b> <b>REQUEST TRANSMITTAL (Small Entity)</b> Submit an original, and a duplicate for fee processing. <i>(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))</i>				Docket No.  <input type="checkbox"/> <b>DUPLICATE</b> (Check box if applicable)	
First Named Inventor		Examiner		Group/Art Unit	
Epshtein		Owens Jr. H		1623	
Address to: Assistant Commissioner for Patents Box CPA Washington, D.C. 20231					
This is a request for filing a <input checked="" type="checkbox"/> continuation or <input type="checkbox"/> divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number <u>09/117,838</u> filed on <u>08/12/98</u> and entitled:					
1. <input type="checkbox"/> Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application. 2. <input checked="" type="checkbox"/> A preliminary amendment is enclosed. 3. <input type="checkbox"/> This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4). a. <input type="checkbox"/> <b>DELETE</b> the following inventor(s) named in the prior nonprovisional application:					
b. <input type="checkbox"/> The inventor(s) to be deleted are set forth on a separate sheet attached hereto.					
4. <input type="checkbox"/> A new power of attorney or authorization of agent is enclosed.					
5. <input type="checkbox"/> Small Entity Status: a. <input type="checkbox"/> A small entity statement is enclosed. b. <input checked="" type="checkbox"/> A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.					
6. <input type="checkbox"/> The fee for this application is calculated as follows:					
<b>CLAIMS AS FILED</b>					
For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims		- 20 =	0	x \$9.00	\$0.00
Indep. Claims		- 3 =	0	x \$40.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>BASIC FEE</b>					370 <del>\$355.00</del>
<b>TOTAL FILING FEE</b>					370 \$355.00

**RECEIVED**

OCT 04 2002

**OFFICE OF PETITIONS**

10/02/2002 CHNGUYEN 00000012 09117838

02 FC:231

370.00 OP

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)  
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to  
Deposit Account No. 26.0085

- ☐ fees required under 37 C.F.R. 1.16.  
☐ fees required under 37 C.F.R. 1.17.  
☐ fees required under 37 C.F.R. 1.18.

8. ☒ A check in the amount of 370 is enclosed.

9. ☐ An Information Disclosure Statement (IDS) is enclosed:

a. ☐ PTO-1449

b. ☐ Copies of IDS Citations

10. ☐ Also enclosed:

*This application is  
qualified as small Entity*

11. ☒ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)  
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

NOTES

Submit an original, and a duplicate for fee processing.

**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: 11/1/03

This is to certify that  
this communication is  
being deposited into US postal  
service as 1<sup>st</sup> class mail to  
As. Comm. of Patents  
Washington, D.C. 20530

cc: [Signature]

[Signature]

Signature

I. ZBOROWSKY

Typed or printed name

R.N. 28563

Registration Number (if applicable)

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record



# 176

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: H. V. Owens, Jr.

Art Unit: 1623

In re:

Applicant: O. EPHSTEIN

Serial No.: 09/117,838

Filed: 08/12/1998

**PRELIMINARY AMENDMENT**

I hereby certify that this correspondence is being deposited with the United States Postal Service by First Class Mail on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

ILYA ZBOROVSKY

Hon. Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

Preliminarily to the issuance of an Office Action in the above identified application, please amend the same as follows: